



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006\_0446A  
Peter HEROLD et al. : Confirmation No. 7425  
Serial No. 10/574,108 : Group Art Unit 1624  
Filed March 31, 2006 : Examiner Kahsay Habte  
ORGANIC COMPOUNDS : Mail Stop: AMENDMENT

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action of September 22, 2009, wherein the Examiner has required restriction (election of species) among species a-i as defined in item 5 of the Office Action.

**Substance of Interview**

On October 15, 2009, Applicants' attorney contacted Examiner Habte by telephone, to discuss the restriction requirement. After providing the Examiner with some examples of why Applicants consider the restriction requirement to be confusing, Applicants' attorney suggested that if the restriction requirement is modified so that one group of compounds (hereinafter referred to as Group (I)) is defined such that X-Z in formula (I) in claim 11 is -O-CHR<sup>11</sup> (see the compounds where X on page 6 of the Amendment filed April 6, 2009 is -O-CHR<sup>11</sup> and n in formula (I) is zero, and which covers 289 compounds exemplified in the present application), then Applicants would elect this group of compounds without traverse. Applicants' attorney also suggested that there could be two other groups of compounds in the restriction requirement, which are as follows:

- Group (II): X-Z is -O-CH<sub>2</sub>-CH<sub>2</sub>-O- There are 52 compounds exemplified  
Group (III): X-Z is -O-CHR<sup>11</sup>C(O)NR<sup>9</sup>. There are 12 compounds exemplified

A fourth group of compounds would be any compounds not encompassed by Groups I-III.

The Examiner seemed agreeable to Applicants' proposal, and specifically, the definition of the Group I compounds as those where X-Z is -O-CHR<sup>11</sup>. If the restriction requirement is modified in this manner, then Applicants will elect these Group I compounds, without traverse.

Election

It is the understanding of Applicants' attorney, based on the telephone discussion with the Examiner, that the foregoing comments will be a sufficient/complete response to the Office Action, and that it will not be necessary to elect any of species a-i as defined by the Examiner in item 5 of the Office Action.

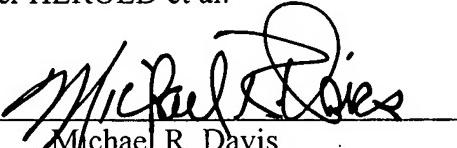
Applicants emphasize that the foregoing election of the Group I compounds is without prejudice to their rights under 35 U.S.C. §121 to file a divisional application for the other compounds within the scope of the present claims.

Action on the merits is requested.

Respectfully submitted,

Peter HEROLD et al.

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